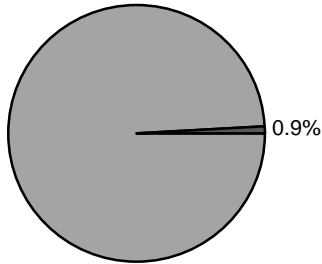


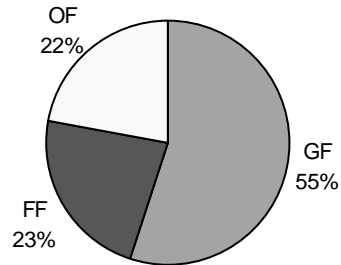
# FY2007 Budget Briefing

# Attorney General

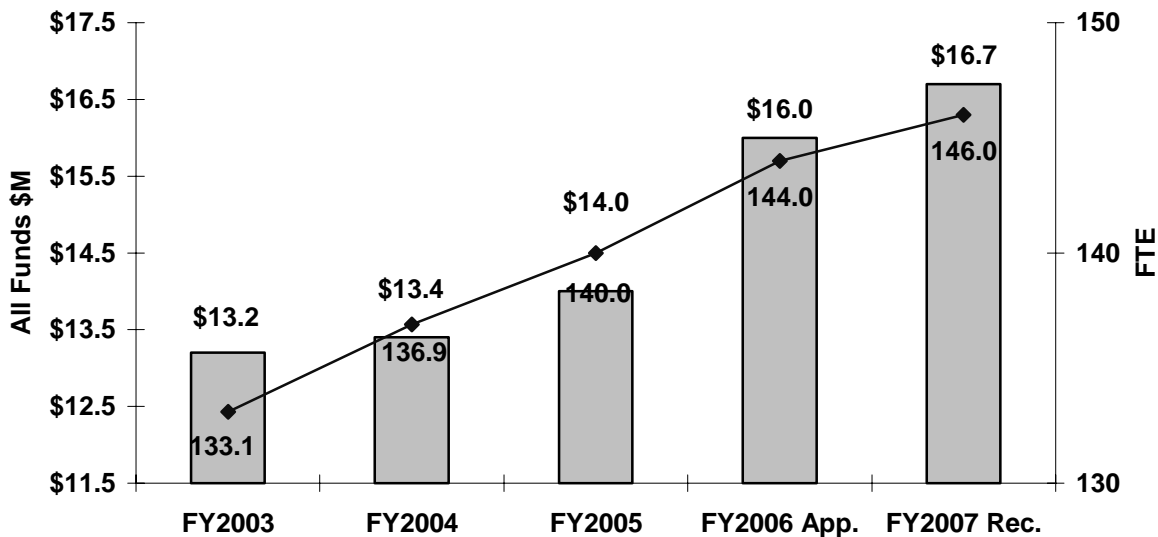
Agency's Share of Total  
Budgeted State General Fund FY2007



Agency's Funding Source Split  
Governor's FY2007 Recommended



Budget History



## Key Responsibilities

To supervise, perform, and coordinate all responsibilities vested in the Attorney General; to provide effective legal counsel and representation to all agencies of state government and political subdivisions; to issue official legal opinions to clarify questions pertaining to state law; to provide criminal investigation and prosecution on office initiative and through support of the state's attorney; to handle all appeals in the Supreme Court of South Dakota and all other courts of higher appeal; to provide legal advice, counsel, and representation in all civil, criminal, and administrative matters in which the state is a party or interested; to provide law enforcement officer training and certification; to maintain efficient law enforcement communication between all state law enforcement personnel and interstate and national law

enforcement agencies; to provide consumer protection through public information, investigation of complaints, and prosecution of violations when necessary; and to fulfill all of the above goals and statutory responsibilities to the greatest extent possible with the resources available.

### **Key Personnel**

- Larry Long, Attorney General
- Mark Barnett, Deputy Attorney General
- Kay McLain, Business Manager

### **Department of Attorney General Total**

The Governor recommends a total appropriation of \$16,695,212 and 146.0 FTEs for the Office of the Attorney General for FY 2007. This dollar amount consists of \$9,161,862 from the State General Fund, \$3,827,366 from federal sources, and \$3,705,984 from other funds. The Governor's recommendation is an overall increase of 4.1% in funding, with the recommended appropriation from the State General Fund increasing by 29.8% over FY 2006 and federal funds decreasing by 29.7%. FTEs are increasing by 2.0.

Item	Actual FY2005	Approved FY2006	Agency Req. FY2007	Gov. Rec. FY2007	Change from FY2006	% Change from FY2006
Personal Services	8,531,064	9,199,428	9,379,783	9,728,058	528,630	5.7%
Travel	787,857	732,280	754,570	748,570	16,290	2.2%
Contractual Services	2,112,549	2,908,319	4,061,238	4,035,249	1,126,930	38.7%
Supplies and Materials	569,890	809,932	838,677	838,677	28,745	3.5%
Grants and Subsidies	1,412,064	1,813,994	476,258	831,257	(982,737)	-54.2%
Capital Outlay	546,929	578,585	494,517	481,517	(97,068)	-16.8%
Other	72	-	31,884	31,884	31,884	100.0%
<b>TOTAL</b>	<b>13,960,426</b>	<b>16,042,538</b>	<b>16,036,927</b>	<b>16,695,212</b>	<b>652,674</b>	<b>4.1%</b>
<b>Funding Sources:</b>						
General Funds	5,891,423	7,056,205	9,620,113	9,161,862	2,105,657	29.8%
Federal Funds	4,692,393	5,444,981	2,786,198	3,827,366	(1,617,615)	-29.7%
Other Funds	3,376,609	3,541,352	3,630,616	3,705,984	164,632	4.6%
<b>TOTAL</b>	<b>13,960,426</b>	<b>16,042,538</b>	<b>16,036,927</b>	<b>16,695,212</b>	<b>652,674</b>	<b>4.1%</b>
<b>FTE</b>	<b>140.0</b>	<b>144.0</b>	<b>146.0</b>	<b>146.0</b>	<b>2.0</b>	<b>1.4%</b>

The Governor's recommendation throughout this analysis also includes funding for Performance And Compensation Equity (PACE) movement of 2.5% for those employees who are paid under the job-worth of their pay range, a 3% across-the-board increase for all permanent employees, and an increase in the employer paid portion of the state health insurance plan. The recommended amounts for each segment of the compensation package are as follows:

	General Funds	Federal Funds	Other Funds	Total
2.5% PACE Movement	24,061	7,190	7,987	39,238
3% Across-the-Board	161,949	45,131	56,375	263,455
Health Insurance	28,369	5,959	11,254	45,582
<b>Total</b>	<b>214,379</b>	<b>58,280</b>	<b>75,616</b>	<b>348,275</b>

## Major Expansions and Reductions

Program	Agency Request			Governor's Recommendation		
	State General Fund	All Funds	FTE	State General Fund	All Funds	FTE
A. Legal Services	500,690	(1,207,173)	0.0	475,327	(878,528)	0.0
B. Criminal Investigation	-	100,000	2.0	-	100,000	2.0
C. Criminal Investigation	598,857	562,703	0.0	608,754	572,600	0.0
D. Law Enforcement	412,262	457,809	0.0	384,328	429,475	0.0
<b>Total</b>	<b>1,511,809</b>	<b>(86,661)</b>	<b>2.0</b>	<b>1,468,409</b>	<b>223,547</b>	<b>2.0</b>

- A. Legal Services—The Governor recommends a net decrease in operating expenses. The state is losing federal Edward Byrne funding, and the Governor is recommending replacement of \$839,440 from federal funds with a like appropriation from the State General Fund. There is also the elimination, however, of grants formerly passed through to other state agencies and capital outlay.
- B. Criminal Investigation—The Governor recommends increased appropriations of 2.0 FTEs and \$100,000 from federal funds for 2 victim witness specialists to provide victim witness assistance services in counties not presently served.
- C. Criminal Investigation—The Governor recommends increased operating expenses for the bond payment and janitorial and maintenance service at the new George S. Mickelson Criminal Justice Center, plus an increase for travel and reduction for capital outlay based upon historic costs.
- D. Law Enforcement Training—The Governor recommends increased operating expenses associated with occupation and use of the new George S. Mickelson Criminal Justice Center.

## **Legal Services**

The Governor's FY 2007 recommended appropriation for the Legal Services program consists of \$4,592,506 from the State General Fund, \$1,442,627 from federal sources, \$680,851 from other funds, and 73.0 FTEs. The Governor's recommended amounts are increases over FY 2006 in the State General Fund appropriation of \$1,032,294, a reduction of \$1,714,185 from federal funds, and an increase of \$41,690 from other funds. The Governor recommends no change in FTEs.

This program represents the State of South Dakota in civil cases and before the United States courts, and contains the Medicaid Fraud, Drug Grant, and Statistical Grant activities.

<b>Item</b>	<b>Actual FY2005</b>	<b>Approved FY2006</b>	<b>Agency Req. FY2007</b>	<b>Gov. Rec. FY2007</b>	<b>Change from FY2006</b>	<b>% Change from FY2006</b>
Personal Services	4,497,812	4,834,659	4,892,490	5,072,986	238,327	4.9%
Travel	209,353	189,684	194,574	188,574	(1,110)	-0.6%
Contractual Services	786,938	701,723	841,189	833,835	132,112	18.8%
Supplies and Materials	157,956	171,516	165,711	165,711	(5,805)	-3.4%
Grants and Subsidies	785,237	1,342,736	5,000	359,999	(982,737)	-73.2%
Capital Outlay	69,539	115,867	75,995	62,995	(52,872)	-45.6%
Other Funds	-	-	31,884	31,884	31,884	100.0%
<b>TOTAL</b>	<b>6,506,834</b>	<b>7,356,185</b>	<b>6,206,843</b>	<b>6,715,984</b>	<b>(640,201)</b>	<b>-8.7%</b>
<b>Funding Sources:</b>						
General Funds	3,313,544	3,560,212	5,112,601	4,592,506	1,032,294	29.0%
Federal Funds	2,548,064	3,156,812	427,756	1,442,627	(1,714,185)	-54.3%
Other Funds	645,226	639,161	666,486	680,851	41,690	6.5%
<b>TOTAL</b>	<b>6,506,834</b>	<b>7,356,185</b>	<b>6,206,843</b>	<b>6,715,984</b>	<b>(640,201)</b>	<b>-8.7%</b>
<b>FTE</b>	<b>70.8</b>	<b>73.0</b>	<b>73.0</b>	<b>73.0</b>	<b>-</b>	<b>0.0%</b>

## **Revenues**

	<b><u>Actual FY2004</u></b>	<b><u>Actual FY2005</u></b>	<b><u>FY2006 Estm.</u></b>	<b><u>FY2007 Estm.</u></b>	<b><u>% Change Over FY2004</u></b>
DENR Legal	\$43,071	\$40,304	\$60,360	\$60,360	40.1%
GFP Legal	22,439	22,439	22,439	22,439	0.0%
Medicaid Fraud Grant	203,031	264,610	225,000	225,000	10.8%
Drug Task Force Grant	2,436,299	2,341,264	880,000	880,000	-63.9%
Drug Control Fund	470,000	515,000	470,000	470,000	0.0%
Statistical Analysis Grant	56,370	46,554	50,000	50,000	-11.3%
<b>Totals</b>	<b>\$3,231,210</b>	<b>\$3,230,171</b>	<b>\$1,707,799</b>	<b>\$1,707,799</b>	<b>-47.1%</b>

## **Selected Performance Indicators**

	<b>Actual FY2004</b>	<b>Actual FY2005</b>	<b>Estimated FY2006</b>	<b>Estimated FY2007</b>
Legal Services:				
Opinions Issued	38	16	20	20
New Cases Opened/Closed/Pending (Thousands)	1.5/1.4/1.8	1.3/1.2/1.9	1.4/1.7/2.1	1.4/1.7/2.1
Briefs/Mail Docketing	160/13,654	147/12,368	160/13,500	160/13,500
Consumer Protection:				
Complaints Opened/Closed	2,607/2,185	2,845/2,354	2,600/2,400	2,600/2,400
Charitable Solicitation Registrations	292	341	350	350
Value of Consumer Protection Complaints Resolved	\$1,708,018	\$4,704,941	\$3,000,000	\$3,000,000
Medicaid Fraud:				
Cases Opened/Closed/Pending	21/17/29	26/15/41	35/30/30	35/30/30
Felony/Misdemeanor Convictions	0/0	4/0	5/4	5/4
Recoveries	\$393,086	\$1,678,484	\$350,000	\$350,000
STAT Grant:				
Reports Published/Coordination Activities	6/14	5/17	7/17	7/17
Requests Received	150	200	225	250

- The Governor recommends replacement of Edward Byrne funding, which is federal funds, with appropriations from the State General Fund of \$839,440.
- The Governor also recommends increased appropriations for operating expenses to fund shortfalls in contractual services.
- The Governor's recommendation for FY 2007 includes a reduction of grants and subsidies by \$982,737 to reflect loss of Byrne funding and elimination of grants formerly passed through to other state agencies.
- The reduction of \$52,872 from federal funds for capital outlay reflects loss of federal funding.

## **Criminal Investigation**

For FY 2007 the Governor recommends a 19.7% increased appropriation from the State General Fund of \$689,035, an increase from federal funds of \$96,570, and an increase from other funds of \$31,769 for a combined, increased appropriation of \$817,374, or 11.2%, for Criminal Investigation. The Governor also recommends an increase of FTEs by 2.0.

This program conducts criminal investigation, forensic laboratory investigation, and Internet crimes investigation.

<b>Item</b>	<b>Actual FY2005</b>	<b>Approved FY2006</b>	<b>Agency Req. FY2007</b>	<b>Gov. Rec. FY2007</b>	<b>Change from FY2006</b>	<b>% Change from FY2006</b>
Personal Services	3,464,526	3,786,848	3,886,848	4,031,622	244,774	6.5%
Travel	409,807	413,169	440,569	440,569	27,400	6.6%
Contractual Services	937,040	1,792,279	2,352,445	2,362,342	570,063	31.8%
Supplies and Materials	286,280	517,184	518,684	518,684	1,500	0.3%
Grants and Subsidies	590,787	386,258	386,258	386,258	-	0.0%
Capital Outlay	429,177	418,441	392,078	392,078	(26,363)	-6.3%
Other Funds	72	-	-	-	-	n/a
<b>TOTAL</b>	<b>6,117,690</b>	<b>7,314,179</b>	<b>7,976,882</b>	<b>8,131,553</b>	<b>817,374</b>	<b>11.2%</b>
<b>Funding Sources:</b>						
General Funds	2,577,879	3,495,993	4,094,850	4,185,028	689,035	19.7%
Federal Funds	2,144,329	2,288,169	2,358,442	2,384,739	96,570	4.2%
Other Funds	1,395,481	1,530,017	1,523,590	1,561,786	31,769	2.1%
<b>TOTAL</b>	<b>6,117,690</b>	<b>7,314,179</b>	<b>7,976,882</b>	<b>8,131,553</b>	<b>817,374</b>	<b>11.2%</b>
<b>FTE</b>	<b>58.6</b>	<b>61.0</b>	<b>63.0</b>	<b>63.0</b>	<b>2.0</b>	<b>3.3%</b>

## **Revenues**

	<b><u>Actual FY2004</u></b>	<b><u>Actual FY2005</u></b>	<b><u>FY2006 Estm.</u></b>	<b><u>FY2007 Estm.</u></b>	<b><u>% Change Over FY2004</u></b>
Record Check	\$249,386	\$247,326	\$250,000	\$250,000	0.2%
Marijuana Eradication Grant	77,000	10,000	77,000	50,000	-35.1%
<b>Total</b>	<b>\$326,386</b>	<b>\$257,326</b>	<b>\$327,000</b>	<b>\$300,000</b>	<b>-8.1%</b>

## **Selected Performance Indicators**

	Actual FY2004	Actual FY2005	Estimated FY2006	Estimated FY2007
Investigations Conducted by DCI	683	580	700	700
Polygraph Exams Conducted	119	110	125	125
Criminal Fingerprint Cards Received and Processed	26,000	26,582	28,000	28,000
Noncriminal Background Fingerprint Checks	15,500	14,269	18,500	18,500
Sex Offender Fingerprint Card Processing	1,625	1,686	1,850	1,850
Criminal Record Checks Received and Complied With	76,800	68,079	75,000	76,000
Criminal Records Updated	40,000	39,873	42,000	42,000
Value of Drugs Seized	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000
Lab Reports	752	671	800	800
Hours in Court by Lab	765	774	770	780

- The Governor recommends an increase of \$100,000 from federal funds and 2.0 FTEs, both victim witness specialists, to provide services to victims of crimes in jurisdictions of the state not currently being served. (Initially proposed during 2005 Interim, these were not approved.) The rest of the increase for personal services is the FY 2007 salary policy.
- The Governor's recommended increase for travel primarily reflects historic costs of travel for agents conducting investigations.
- The Governor recommends an increase of \$570,063 for contractual services. The significant share of this increase, or \$329,818 from the State General Fund, is attributable to the bond payment for the new facility. Another \$211,715 is for janitorial and maintenance service.
- The \$26,363 reduction in capital outlay for FY 2007 reflects a reduction based upon historic costs.

## **Law Enforcement Training**

The Governor recommends a total appropriation for Law Enforcement Training of \$1,654,792 of which \$384,328 is from the State General Fund and \$1,270,464 is from other funds. The Governor's recommendation of 8.0 FTEs is the same as for FY 2006.

This program conducts training for local law enforcement officials and prosecutors, both regionally and in Pierre.

<b>Item</b>	<b>Actual FY2005</b>	<b>Approved FY2006</b>	<b>Agency Req. FY2007</b>	<b>Gov. Rec. FY2007</b>	<b>Change from FY2006</b>	<b>% Change from FY2006</b>
Personal Services	476,047	482,812	505,336	524,680	41,868	8.7%
Travel	155,264	118,827	108,827	108,827	(10,000)	-8.4%
Contractual Services	344,027	344,551	797,143	768,809	424,258	123.1%
Supplies and Materials	114,018	113,232	146,282	146,282	33,050	29.2%
Grants and Subsidies	36,040	85,000	85,000	85,000	-	0.0%
Capital Outlay	44,635	39,027	21,194	21,194	(17,833)	-45.7%
<b>TOTAL</b>	<b>1,170,030</b>	<b>1,183,449</b>	<b>1,663,782</b>	<b>1,654,792</b>	<b>471,343</b>	<b>39.8%</b>
<b>Funding Sources:</b>						
General Funds	-	-	412,662	384,328	384,328	100.0%
Federal Funds	-	-	-	-	-	n/a
Other Funds	1,170,030	1,183,449	1,251,120	1,270,464	87,015	7.4%
<b>TOTAL</b>	<b>1,170,030</b>	<b>1,183,449</b>	<b>1,663,782</b>	<b>1,654,792</b>	<b>471,343</b>	<b>39.8%</b>
<b>FTE</b>	<b>8.7</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>-</b>	<b>0.0%</b>

## **Revenues**

	<b><u>Actual FY2004</u></b>	<b><u>Actual FY2005</u></b>	<b><u>FY2006 Estm.</u></b>	<b><u>FY2007 Estm.</u></b>	<b><u>% Change Over FY2004</u></b>
Law Enforcement Revolving Fund	\$2,324,015	\$2,645,620	\$2,645,620	\$2,645,620	13.8%



## **Selected Performance Indicators**

	Actual FY2004	Actual FY2005	Estimated FY2006	Estimated FY2007
Officers Certified, Basic 520-Hour Course	109	122	135	135
Officers Attending Specialized, Advanced, and Field Courses	3,363	2,529	3,465	3,465
Courses Scheduled	50	64	70	70
Officers Attending Grant Training	27	311	200	200
Grants Awarded	2	13	14	14
People from Other Groups Conducting Seminars and Meetings Using Training Facilities	2,100	2,100	2,100	2100
Officers Requesting Reciprocity Certification	20	9	18	18
Officers Receiving Reciprocity Certification	14	6	9	9
Reserve Officers Certified in SD	202	210	210	210
Pending Certification Law Enforcement Officers in South Dakota	80	66	120	120
Officers Certified	1,606	1,689	1,625	1,625
D.A.R.E. Participating Agencies	71	70	78	78
Schools with D.A.R.E.	141	131	161	161
Student Participation	7,037	7,093	10,000	10,000
Cities with D.A.R.E.	88	67	80	80
D.A.R.E. Officers	138	160	160	160

- The Governor recommends an increased appropriation of \$22,524 from other funds to correct a salary shortfall. The rest of the personal services recommended increase is for FY 2007 salary policy.
- The Governor's recommended reduction of \$10,000 from other funds in travel reflects a realignment of travel costs within the program.
- For FY 2007 the Governor recommends an increase of \$424,258 from the State General Fund for contractual services increases associated with the new facility. These reflect increased costs for space billing to cover janitorial services.
- Also for FY 2007, the Governor recommends an increase of \$33,050 for supplies and materials for costs of ammunition and clothing for academy participants.

## 911 Training

The Governor recommends an appropriation of \$192,883 from other funds and 2.0 FTEs for the 911 Training program for FY 2007.

Item	Actual FY2005	Approved FY2006	Agency Req. FY2007	Gov. Rec. FY2007	Change from FY2006	% Change from FY2006
Personal Services	92,678	95,109	95,109	98,770	3,661	3.8%
Travel	13,434	10,600	10,600	10,600	-	0.0%
Contractual Services	44,544	69,766	70,461	70,263	497	0.7%
Supplies and Materials	11,637	8,000	8,000	8,000	-	0.0%
Capital Outlay	3,578	5,250	5,250	5,250	-	0.0%
<b>TOTAL</b>	<b>165,871</b>	<b>188,725</b>	<b>189,420</b>	<b>192,883</b>	<b>4,158</b>	<b>2.2%</b>
<b>Funding Sources:</b>						
General Funds	-	-	-	-	-	0.0%
Federal Funds	-	-	-	-	-	0.0%
Other Funds	165,871	188,725	189,420	192,883	4,158	2.2%
<b>TOTAL</b>	<b>165,871</b>	<b>188,725</b>	<b>189,420</b>	<b>192,883</b>	<b>4,158</b>	<b>2.2%</b>
<b>FTE</b>	<b>1.9</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0%</b>

## Revenues

	<u>Actual</u> <u>FY2004</u>	<u>Actual</u> <u>FY2005</u>	<u>FY2006</u> <u>Estm.</u>	<u>FY2007</u> <u>Estm.</u>	<u>% Change</u> <u>Over</u> <u>FY2004</u>
911 Law Enforcement Revolving Fund	134,124	132,537	132,537	132,537	-1.2%

Selected	Performance		Indicators	
	Actual FY2004	Actual FY2005	Estimated FY2006	Estimated FY2007
911 Telecommunicators Certified	55	53	70	70
Telecommunicators Attending Advanced Courses	103	133	90	90
Courses Scheduled	19	22	15	15
Terminal Operators Certified	335	241	300	300
Active Certified 911 Telecommunicators	421	395	470	470
Active Terminal Operators	1,343	1,825	925	925
Audits In-State National Crime Info. Center	96	34	0	0

## **Other Departmental Issues**

### **A. Interim Appropriation Actions**

No interim appropriation actions were taken.